

Name, Address, and Phone Number of Attorney(s):

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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

AKF, INC., d/b/a FUNDKITE

Plaintiff(s)

v.

KESSMAN GROUP PAINTING & DESIGN et. al.  
 Defendant(s)

CASE NUMBER

2:23-cv-1906-ART-BNW

ORDER TO APPEAR FOR EXAMINATION OF ☒ JUDGMENT DEBTOR or ☐ THIRD PERSON RE:

☒ ENFORCEMENT OF JUDGMENT  
☐ ATTACHMENT(Third Person)

The Court, having considered the Application for Appearance and Examination Re: Enforcement of Judgment/Attachment (ECF No. 5), hereby **ORDERS** the Application be ☒ **GRANTED** ☐ **DENIED**.

TO: Matthew Thomas Kessman  
 (Name of Person Ordered to Appear)

**YOU ARE ORDERED TO APPEAR** personally before the Honorable Brenda N. Weksler,  
 to:

- ☒ furnish information to aid in enforcement of a money judgment against you and to produce documents set forth in Exhibit 1 attached hereto at the time of the examination.
- ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
- ☐ answer concerning property of the defendant in your possession or control concerning a debt you owe the defendant that is subject to attachment.
- ☐ furnish information to aid in enforcement of a money judgment against the judgment debtor.
- ☐ furnish information to aid in enforcement of a right to attach order against the defendant.

Date of appearance: 2/27/2024 Courtroom: 3B Time: 10:00 a.m.     a.m./p.m.

Location of Appearance: 333 Las Vegas Blvd South, Las Vegas, NV 89101

This Order may be served by a Marshal, sheriff, registered process server, or the following, specially appointed person: Legal Wings  
 (Name of Appointed Process Server)

Date: December 14, 2023



U.S. Magistrate Judge

{2710 29849}

**APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)**

NOTICE TO JUDGMENT DEBTOR: If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON  
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED: If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR: The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (*Clearly describe the property or debt. Print or type the description. Use an additional sheet of paper, if necessary.*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you **MUST** file your exemption claim *in writing* with the court and have a copy personally served on the judgment creditor not later than three (3) days before the date set for the examination.

You **MUST** appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

**APPEARANCE OF A THIRD PERSON (ATTACHMENT)**

NOTICE TO PERSON SERVED: If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,  
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

**EXHIBIT 1**

1  
2 1. Copies of pay stubs, payroll records, statements, documentation for all sources of your  
3 income for one (1) year preceding the date of this Subpoena, including, but not limited to, wages,  
4 commissions, bonuses, retirement, pension, disability payments, loans, dividends, etc.

5 2. Copies of pay stubs, payroll records, statements, documentation for all sources of your  
6 spouse's income for one (1) year preceding the date of this Subpoena, including, but not limited to,  
7 wages, commissions, bonuses, retirement, pension, disability payments, dividends, loans, etc.

8 3. Copies of your Federal and State Income Tax Returns for three (3) years preceding the  
9 date of this Subpoena.

10 4. Copies of any quarterly estimates of Federal and State Income Tax filed by you within  
11 the past 12 months.

12 5. Copies of documents relating to any money owed to you by any person or business entity,  
13 including but not limited to, the entities identified in paragraph 5 above.

14 6. Copies of all documents relating to all positions you hold/held with any and all of the  
15 entities identified in Paragraph 5 above, including but not limited to, employment, advisory, member of  
16 board of directors, officer, consultant, independent contractor, member, general member, general and/or  
17 limited partner, etc., for the past three (3) years.

18 7. All statements from all Bank, Credit Union, brokerage, and/or Savings and Loan  
19 institutions, for all savings, checking, brokerage, money market, investment, IRA, 401K, Certificates of  
20 Deposit, accounts in which you and/or your spouse have any interest, including but not limited to  
21 contingent and/or vested, for three (3) years preceding the date of this Subpoena.

22 8. All statements from all financial institutions, including but not limited to, banks, credit  
23 unions, savings and loan institutions, money market, investment, brokerage, and/or online accounts, on  
24 which you are, or were, a signatory in any capacity for three (3) years preceding the date of this  
25 Subpoena, including but not limited to any and all of the entities identified in Paragraph 5 above.

26 9. All statements for all Bank, Credit Union, Brokerage, Savings and Loan institutions,  
27 including all online accounts, in your name or on which you are, or were, a signatory in any capacity for  
28 three (3) years preceding the date of this Subpoena.

1           10.     Copies of all of your utility bills (gas, electric, water, telephone, internet, trash) and  
2 receipts for payment of all utilities for the past 12 months preceding the date of this Subpoena.

3           11.     Copies of cancelled checks and/or receipts for all monthly payments you have made  
4 during the past 12 months preceding the date of this Subpoena, including but not limited to rent,  
5 mortgage, taxes, loans, credit cards, car payment, insurance payments, spousal and/or child support,  
6 child care, food, entertainment, clothing, etc.

7           12.     Key(s) to all safe-deposit boxes wherever situated, issued to you, held in trust for you or  
8 in which you have an interest.

9           13.     Copies of all certificates of stocks and bonds or statements evidencing stocks, and/or  
10 bonds belonging to you or in which you have any interest, either alone or jointly with any other person  
11 or entity, for three (3) years preceding the date of this Subpoena.

12           14.     Copies of all life insurance policies now upon your life or naming you as a beneficiary on  
13 someone else's policy.

14           15.     Copies of all contracts, notes, agreements, promissory notes, security agreements,  
15 certificates of deposit, negotiable instruments, pledge agreements and accounts receivable payable to,  
16 for the benefit of, or held in trust for you, whether or not the same is now due and/or payable, in effect  
17 or existence during any or all of three (3) years preceding the date of this Subpoena.

18           16.     All assignments pertaining to any of the documents identified in Paragraph 15 above.

19           17.     All lawsuits, liens or judgments filed for or against you.

20           18.     All lawsuits, liens or judgments filed by you or on your behalf or in which you have an  
21 interest.

22           19.     Copies of all insurance policies of whatever kind issued in your name on any vehicle  
23 (automobile, motorcycle, recreational vehicle, boat, etc.) within three (3) years preceding the date of this  
24 Subpoena.

25           20.     Copies of all loan documents, including but not limited applications for purchase, for all  
26 vehicles leased or purchased by you or by a third party for your use.

27           21.     Copies of proof of insurance for all vehicles of any kind, (i.e. cars, trucks, RVs, boats, jet  
28 skis, motor homes, mobile or modular homes), in which you have an ownership interest.

22. Copies of all titles, deeds, and/or contracts of sale for real property owned, purchased, or being purchased or sold, in which you have any interest, either alone or jointly with another person or entity.

23. A complete inventory of all items of personal property owned by you whose value exceeds \$5,000.00 including, but not limited to: automobiles, boats, recreational vehicles, household fixtures, furnishings and appliances, jewelry, watches, etc. whether paid for or not.

24. Copies of Registration for all vehicles identified in Paragraphs 20 and 22 above.

25. Copies of your current driver's license and social security card.

26. Copies of all documents showing all debts you currently owe, including the balance due on each account and the amount paid each month for each debt for the past 12 months.

27. If you are receiving Social Security payments or any public or private disability payments, copies of the bank statements and other proof that such payments are social security or disability payments such as copies of the checks received, statement from the source of the payments stating the amount of the payments, etc.

28. Copies of any marriage and/or divorce records.